

**From:** Anton 'Fishman' Heyneke [REDACTED]  
**Sent:** Monday, 4 August 2003 8:39 PM  
**To:** Committee, FCA (REPS)  
**Subject:** Submission to Committee on Family and Community Affairs

House of Representatives Standing Committee  
 on Family and Community Affairs

Submission No. 351  
 Date Received: 4-8-03  
 Secretary

Anton Heyneke  
 43 St Albans Road  
 EAST GEELONG  
 VIC 3219.

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Monday 4 August 2003.

**SUBMISSION TO:**

**Standing Committee on Family and Community Affairs  
 Child Custody Arrangements Inquiry  
 Department of the House of Representatives**

Dear Standing Committee,

I write in relation to the standing committee on Family and Community Affairs in relation to child custody.

As the committee will know, this is a committee designed to investigate issues of automatic assumption of shared care of children following the separation of their parents.

I also ask the committee to investigate the actions and policies of the Child Support Agency (and as such the acts of Child Support (Assessment) Act 1989 and Child Support (Registration and Collection) Act 1988) and The Family Court of Australia (and thus the Family Law Act 1975;) whom are contributing factors in the issues of child custody and contact.

I address the following concerns,

- Bias against males within the Family Court
- The issue of false allegations made within Family Court in relation to domestic violence and child physical and sexual abuse
- Bias in relation to legal aid and representation for non-custodial parents
- Issues of shared parenting for non-custodial parents in relation to new lives and employment.
- Bias against non-custodial parents within the Child Support Agency
- Illegal and immoral actions of the Child Support Agency in relation to the assessment of child support, its collection and overall processes
- The new family of a non-custodial parent and issues of support for these peoples.

The overall issue exists that regardless of the assumption of shared parenting, the overall system does NOT reflect any notion of the interests of the children. It creates tools and means for bitter confrontation where the majority of the time the Father is subjected to humiliation and ridicule and is denied contact with his own flesh and blood thru allegation, lies and policy. It does not reflect any benefit for anyone other than the custodial parent and this in only a financial sense.

The system creates an aura that allows a non-custodial parent to be blamed for failings of contact due to a lack of action (in terms of doing things with the children) whilst in the company of the children. In my own case and in the case of countless thousands of others, this perceived lack of action is due to limited funds due to the cost of legal battles, child support and the cost of living his new life. Can any of the committee tell me otherwise? I struggle to see how I can afford travel and costs of outings on the meagre amount I have left after I am paying the amounts of money that the Government tells me is my 'legally obliged' amount.

I struggle also to find benefit in a system that allows an amount of money from my gross salary be taken from my net pay. The system dictates that 27% of my gross income is taken from net pay. I then pay tax, legal aid and then the necessities of my life, without any financial help from the government. This is because I am told that I don't have enough contact with the children to qualify for financial assistance from centrelink.

At the same time the ex spouse is entitled to rent assistance, to family tax benefits part A and B, parenting allowance, pharmaceutical benefits and a health care card in addition to the child support. She gets \$1200 plus per fortnight for her own and the children's expenses whilst I struggle on \$560 per fortnight. She receives more financial security than when we lived together. She is better off! I too have rent. I too have food costs. And utilities. I also have bills to pay for a fight against her arbitrary information that denied me contact for four months. For legal fights for my right to see my children. To fight allegations of domestic violence and child abuse.

This same amount of child support is also, when compared to other nations of this planet confusing. The United Kingdom determines child support based upon net pay at a rate of some 15%. New Zealand uses a completely different set of figures. Here in Australia we use a system that creates values some 15 years ago based upon 20 year-old figures. It does not cost \$112 for my children to be raised a fortnight. I know this for I used to live with them. Puzzling system to that allows no consideration for the earning capacity of the 'custodial' parent is used in determining the amount they are eligible for. Also why does it instantly become more from my salary to raise my children when I earn more? Surely my wife will then earn more of my hard earned whilst my own hip pocket suffers.

Bias? Narrow-mindedness? Complete disregard?

I have a right to exist as well and a right to be able to continue with my life without fear of reprisal and allegations attempting to deny me contact with my children. I have the right to be able to spend some money on an outing without wondering what bill I won't be able to pay. I want to be able to sleep with the knowledge that I won't dream of financial ruin and losing everything.

I want the right to know that the only way out is NOT suicide, like so many others in my situation.

And now I sit, as I do every day, wondering what kind of stress and humiliation I will endure next. Will it be another false allegation again? CSA making more lies for no valid reason nor validation? Will they take more money from me? Will this be a reason that my contact will not be allowed because all my money goes to fighting for the right as a father to be a part of my kid's lives?

I address the committee to think about what I have said here. All I wish now in my life is to be a part of my children's lives and to continue with my own. I do not want this stress and continuing burden – all I want is justice and for the law to say that I have rights too. At the same time I want the committee to understand that not only is shared parenting an issue here, but the overall system that non-custodial parents fall into is a quagmire that is inescapable. I have thought of suicide, and barring the support of my girlfriend I would be dead, another statistic in this game. I think the committee should look at all aspects, recommending the government alter the amount of child support to a more respectable and intelligent level, based upon facts and using other nations child support schemes as a guide, giving non-custodial parents rights and the ability to move on with their lives. To make a non-custodial parent a percentage of income is appalling. I am not 27% of gross income from my net pay, I am a man that has hopes and dreams and wants to live my life whilst also providing for my family. I also want to have a second family in the future. They should also be considered.

I want the process that determines child support amounts to be altered to reflect the amount that it truly costs to raise a child. I want the CSA to acknowledge that I have expenses and a life to live as well.

I want the people that make false allegations to be punished as such. I want compensation for allegations that punish me emotionally, physically through stress and financially.

I want the CSA to be accountable for their actions and have in place quality assurance practices (such as those within Telstra) that ensure fairness and equality for ALL parents. They are unaccountable for their actions and appear to be above the law. I want the results of these quality assurance practises available for public review.

I want to have free legal representation within the confines of the family court. I am not rich nor able to pay the monies for a solicitor. I watch in horror that my ex spouse can get free legal aid and live safe knowing I am struggling to pay the fight to see my kids. Without them I cannot be in my kid's lives. I suffer to benefit my kids. I go without to ensure my rights as a father. I should not have to. I do not want to be a part of the 96% of men that fail in their applications to the Family Court.

I also do not want to have the stress continue to the point where I can take it no longer.

I want to know that as an Australian citizen I have rights. I want to die an old man knowing that I was looked after fairly by the system and that I was the best Dad I could be to my kids.

I can only hope.

[REDACTED]